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COMMUNITY DEVELOPMENT

June 11, 2009

Nora Gierloff Deputy Director DCD City of Tukwila 6300 Southcenter Blvd Tukwila, WA 98188

Re:

Draft Tukwila Urban Center Plan

Dear Ms. Gierloff:

We are writing on behalf of our client, Target Corporation, to expand on the comments we made at the Planning Commission hearing on May 28th. We appreciate this opportunity to continue our work with the City on fine-tuning a plan that will accomplish the essential goals of the city and of the stakeholders who will be guided by the urban center plan.

We have had an opportunity to review the current draft plan, although because of its scope and complexity further careful review will be necessary before we are comfortable that we fully understand the implications and nuances of that plan. The scope of the imagination and creativity incorporated in the vision that this plan sets forth is impressive. But, Target believes that, if this plan is implemented as currently proposed, it would damage – not enhance – the economic heart of the Tukwila. This would be a result directly opposite that intended by the plan.

The basis for this conclusion is that the implementation measures set forth in Book II: Development Code would require massive redesign and reconstruction of existing retail uses whenever relatively modest amounts were invested in modernizing and upgrading the buildings where those uses are located. These requirements would have the perverse effect of preventing the continuing investments needed to maintain an economically viable retail use. That is, faced with a decision to proceed with plans to invest in its existing store in Tukwila that would trigger compliance with the requirements set forth in the Development Code, Target would simply forego its investment in modernization.



PROJECT NAME
TUC PLAN

FILE NO. 4-09-008

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Target has evaluated the standards and requirements in the proposed plan in light of their potential short-term plans to undertake an interior modernization of its existing store and its potential mid-term plans to expand the store by 10% to 15%. Target knows that such reinvestment in their existing stores is essential to meet the changing needs of its guests and to continue to be competitive in the rapidly evolving retail marketplace. The failure to make these ongoing investments will ultimately undermine the economic vitality of this store.

We have attached a table prepared by Target that is not all encompassing but that does identify some of the more obvious examples of the problems inherent in the current draft of the Development Code. Essentially, this table demonstrates that both the potential short and mid-term plans that Target has for this store could trigger requirements that would effectively require a complete demolition and rebuilding of its existing store. Faced with such requirements, Target would simply forego the investments needed to maintain this store as an economically viable and productive location.

Of course, it goes without saying that such a long-term decline in the economic competitiveness of Tukwila's urban center is counter not only to Target's interests, but to the City of Tukwila's as well. In fact, the City's comprehensive plan establishes that the "primary focus of the Plan was retaining the TUC's competitive edge and economic strength ..." Tukwila Comprehensive Plan, at 109 (2008).

There are two potential solutions to this problem. The first is simply to change the level of new investment that would trigger the requirements to undertake substantial reconstruction of existing uses. Certainly that is one of the issues we will discuss as the stakeholders work with City staff to revise the draft plan.

But, we believe that wisdom counsels greater caution than such an incremental approach. The current draft plan embodies a vision radically different from the existing development and uses within Tukwila's urban center. The continued economic vitality of those existing uses is essential to Tukwila's financial ability to make the public investments needed to realize the vision of the plan. The City should take great care in its efforts to radically change this critical component of the fabric of Tukwila.

We therefore recommend that the City limit the geographical area within which the Development Code will apply for a sufficient length of time to ensure that the actions it would require can be undertaken successfully and without needless damage to existing uses. Such a strategy would have the added benefit of allowing the City to concentrate public investment in the chosen area to foster the conditions that would encourage private investment in keeping with the plan's vision.

EXHIBIT DATE

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Once the plan has been operationally tested and once the City's investments and private investments have created the market conditions that would support the uses envisioned by the plan, the implementation of the plan can be extended to the remainder of the Tukwila urban center. This strategy would be consistent with the City's comprehensive plan, which recognizes that it will take 30 to 50 years to realize the vision for the urban center and that states:

Achieving this long-range future vision is anticipated to be a gradual process. It should be achieved by reinforcing the Tukwila Urban Center's strengths and increasing its overall attractiveness. This would support both existing businesses and the continuation of market-sensitive transitions.

Tukwila Comprehensive Plan, at 112 (2008).

Again, we appreciate this opportunity to comment on the draft plan and we look forward to working with City staff. Thank you.

Very truly yours,

George A. Kresovich

E-Mail: gak@hcmp.com

cc: Brandon Lee
Forrest Russell
Lynn Miranda
Brent Carson
Randy Bannecker

ND: 19789 002 4850-2176-7939v1

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	From discussions with staff, we believe that it is not the intent to intentions that we offer the following comments in the chart/tabl	From discussions with staff, we believe that it is not the intent to discourage reinvestments in the existing centers. The intent is to drive change when major redevelopment occurs. It is with that understanding of intentions that we offer the following comments in the chart table.	fo 8
	Standards and Regulations	Use Min Height Max Height Max Tower Bulk Max Block Size Max Block Size Material Prontage Types Front Yard Set Back Front Yard Set Back Rear Yard Set Back Rear Yard Set Back Rear Yard Set Back May Street Frontage Coverage Building Length Mew Street Megulations Steedulations Perking Types and Perking Types and Perking Types and Perking Types and Building Massing Regulations Browision of Parking Regulations Building Massing Regulations Building Massing Regulations Building Massing Regulations	
	Type of Development		
	New Construction	No issues with proposed standards and regulations	
	Expansion of Existing Structures - applies		
	only to new floor area	, 5, 7 12, 5, 8	
	Exterior Alterations- Major Retail Centers	3 9 1 11	
	Substantial Alterations		
	Change in Use	No issues with proposed standards and regulations	
	Tenant Improvements	No issues with proposed standards and regulations	
	Land Division	No issues with proposed standards and regulations	
	Site Modifications	No issues with proposed standards and regulations	
	* Numbered comments correlate with chart. For example, Comment 1 correlates with Specific Comments. Ouestions, or Suggestions for the Standards and Regulations	* Numbered comments correlate with chart. For example, Comment 1 correlates with Landscaping Regulations under Expansions, Exterior Alterations & Substantial Alterations Specific Comments. Ouestions, or Suggestions for the Standards and Regulations	
1	Landscaping requirements are viewed to have but that additional requirements should conside	Landscaping requirements are viewed to have been written from a focus on new development projects and not supplementing existing landscapes. We would advocate that existing conditions should not be ignored, but that additional requirements should consider and be implemented while integrating the existing landscape.	7
2	After much review, we believe that the plan attempts to legislate the an unintended consequence.	tempts to legislate the vast majority of the design process. We also believe that the prescriptive nature of the current form would stifle the creative process, which would	pline
3	The proposed parking types and location requir occupant Additionally requiring a parking stri	The proposed parking types and location requirements do not appear to relate to the existing uses. The orientation of the building and the orientation of the parking are almost always part of the business model of the occupant Additionally requiring a parking structure without economic instification would not be economically feasible for example if Target were to expand or base a substantial interior alteration and our existing	he
	orientation was viewed as "facing the street", the only parking arran	e only parking arrangement that would be allowed under the proposed requirements would be some type of structured parking.	9,,,,
4	Frontage Coverage - How would one comply to this regulation on $\overline{\mathit{only}}$ the "new floor area"?	this regulation on <u>only</u> the "new floor area"?	
5	How does one apply this standard/ requirement	* *	
9	In the event of an expansion or substantial inter	In the event of an expansion or substantial interior alteration, the proposed regulations would require Target to reduce the length of the building by 51. Would result in loss of existing Target building.	
7	Compliance to the proposed standards and regulations would result	in the loss of the existing building.	
8	This would require the taking of our property a	This would require the taking of our property and the loss of our current building due to the 25' esplanade requirement.	
6	Making improvements would require complian	Making improvements would require compliance with this regulation, yet Target does not appear to meet or fall within the definition of any of the Private Frontage Types.	
10	This would require a taking of private property	This would require a taking of private property that is currently used for business operations and result in Target being unable to operate.	
11	Attempting to comply with all of the Site Comp	Attempting to comply with all of the Site Component Requirements would be economically unfeasible. It would also raise issues of pedestrian safety.	
12	Suggested Regulation: An expansion that is 25% building height, etc.	Suggested Regulation. An expansion that is 25% or less of the overall square footage of the building would not trigger alterations/ impacts to the existing building in terms of building orientation, minimum or max building height, etc.	
13	Suggested Regulation: To remain consistent a sli	Suggested Regulation: To remain consistent a sliding scale based on a predetermined percentage of replacement value be used to determine the correlating trigger amount for Exterior Alterations.	

From discussions with staff, we believe that it is not the intent to intentions that we offer the following comments in the chart/tabl	s not the i s in the cl	nten.	f to a table	discourage reinvestments in the existing centers. The intent is to arive charge when major reaevelopment occurs. It is with that understanding of [e.	e reinve	stments	u u	e ext.	sung	center	rs. Ine	тиен	ır ıs ro	arive c	nange	жиеп	major	reaevel	ортеп	occu	.S. 11 E	s with th	ומו מעו	erstan	aung o
Standards and Regulations	Use Min Height	Max Height	Max Tower Bulk	Max Block Size	Ruilding Orientation	Improvements Private Frontage	Lypes	Front Yard Setback Side yard Set Back	Rear Yard Set Back	Alley Setback	Frontage Coverage	Frontage Coverage Build to Corner	Special Corner Locations		Building Length New Street	Regulations Open Space	Regulations Landscaping	Regulations	Site Component Regulations	Provision of Parking	Parking Types and Location	General Parking Requirements and	Sanidelines Building Massing	Regulations	Architectural Elements Regulations
Type of Development																									
New Construction									ž	issue	s with	propo	sed s	No issues with proposed standards and regulations	and re	gulatic	Suc			ŀ			ŀ	ŀ	
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only to new 1100r area	17, 3	71	\dagger	12, 3, 7	17	٥, ٥	<u>`</u>	+	+	1	12, 4, 7	\neg		12,0	T	+	+	1 2	;	+		7	1		2
Exterior Alterations- Major Retail Centers	+		\top	13	~	20	+	+	+	7		4		6.7	7	+	+=	=	\dagger	3	T		+	7 72	
Change in Use	-		1		,		1	-	ž	issue	s with	propo	sed si	No issues with proposed standards and regulations	and re	gulation	Suc								
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Site Modifications									ž	issue	s with	ргорс	s peso	No issues with proposed standards and regulations	s and re	egulati	suo								
Specific Comments on the Overall Plan																									
General Urban Standards Scale Zone must also give Anchors the (A1) notation and not solely the (A2)	give Anch	iors t	he (4	41) notat	ion and r	ot sole	y the	(A2)																	
The definition of major retail center definition needs to be defined	eeds to be	defi	ned	by legal fee ownership and not by proximity or operational agreements	ee owne.	rship ar	d not	by pi	roxin	ity or	operat	ional	agree.	ments		,	•		,			•			
Fig 18.28.013 Form Map indicates that shop front private frontage	nt private	fron	tage	type would be required on 3 sides of the Target property boundary. Compliance would require the loss of the current target building	ald be rec	uired o	n 3 si	des o	f the	 Targe	t prope.	rty bo	oundar	ry. Com	pliance	monk	l requi	re the l	oss of t	ne curr	ent tar	get build	ding		